

Filed for intro on 02/05/98
SENATE BILL 2540 By
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HOUSE BILL 3102
By Burchett

AN ACT to amend Tennessee Code Annotated, Title 44, Chapter 17, relative to animal population control.

WHEREAS, the state of Tennessee suffers from a serious problem resulting from the overpopulation of cats and dogs; and

WHEREAS, the overpopulation of cats and dogs in Tennessee results in the deaths of thousands of cats and dogs each year; and

WHEREAS, an important part of the solution to the problem of cat and dog overpopulation is the spaying and neutering of cats and dogs, and

WHEREAS, it is the intent of general assembly of the state of Tennessee to enact legislation to encourage, support, and require the spaying and neutering of cats and dogs which are adopted from public and private agencies; now, therefore

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE

SECTION 1. Tennessee Code Annotated, Title 44, Chapter 17, is amended by adding Sections 2 through 9 as a new Part 5.

SECTION 2. This act shall be known as and may be cited as "The Tennessee Spay/Neuter Law."

SECTION 3. In the interpretation and enforcement of this act, the word "agency" means animal shelter, dog pound, animal control agency, and humane shelter operated by

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municipalities, counties, or other governmental agencies within the state, and to private organizations operating such a shelter, from which animals are adopted or reclaimed.

SECTION 4. This act shall not apply to an agency located in a county or municipality which has adopted a more stringent mandatory spay/neuter ordinance.

SECTION 5. (a) Every new owner of a dog or cat adopted from an agency shall cause the dog or cat to be spayed or neutered pursuant to the agreement required by subsection b(2) of this section.

(b) No agency shall release a dog or cat for adoption unless:

(1) The dog or cat has already been spayed or neutered; or

(2) The person adopting the dog or cat signs an agreement to have the dog or cat spayed or neutered by a licensed veterinarian

A. within thirty (30) days of the date of adoption if the dog or cat is sexually mature; or

B. within thirty (30) days after the dog or cat reaches six (6) months of age if the animal is not sexually mature at the time of adoption.

(c) If, in the opinion of a licensed veterinarian, spaying or neutering may jeopardize the life or health of the adopted dog or cat, a written report by the veterinarian stating this opinion shall be forwarded by the new owner to the agency from which the dog or cat was adopted. The decision whether to spay or neuter such a dog or cat and the appropriate time to do so will be left to the discretion of the veterinarian.

(d) Nothing in this section shall preclude the spaying or neutering of a sexually immature dog or cat at the discretion of a licensed veterinarian with the consent of the new owner.

SECTION 6. Agreements required by Section 5 subsection (b)(2) of this act shall contain:

1. The date of the agreement;
2. The names, addresses, and signatures of the new owner and the agency;
3. A description of the dog or cat to be adopted;
4. The date by which the dog or cat is required to be spayed or neutered, which date shall be established in compliance with the provision of Section 5 subsection (b)(2)(A) and (B) of this act; and

5. The following statement printed in conspicuous, bold print on the face of the agreement:

“SPAYING OR NEUTERING OF ADOPTED DOGS AND CATS IS REQUIRED BY THE TENNESSEE SPAY/NEUTER LAW. ANY PERSON VIOLATING THE TENNESSEE SPAY/NEUTER LAW COMMITS A CLASS C MISDEMEANOR AND MAY FORFEIT THEIR OWNERSHIP OF THE ADOPTED DOG OR CAT.”

SECTION 7. (a) Each new owner who signs a Spay/Neuter Agreement shall within seven (7) days of the spaying or neutering of the dog or cat cause to be delivered or mailed to the agency from which the dog or cat was adopted written confirmation of the spaying or neutering signed by the veterinarian who performed the procedure. The confirmation shall describe the animal, include the new owner's name and address, certify that the spaying or neutering was performed, and specify the date of the procedure.

(b) If an adopted dog or cat is lost, stolen, or dies before the animal is spayed or neutered pursuant to this act, the new owner shall within seven (7) days of the dog or cat's disappearance or death, notify the agency from which the dog or cat was adopted of the dog or cat's disappearance or death.

SECTION 8. (a) If a dog or cat has not been previously spayed or neutered, the agency shall charge a minimum twenty-five dollar (\$25.00) deposit to ensure that the spaying or neutering is accomplished before releasing a dog or cat to the new owner. Upon receipt of

confirmation of the spaying or neutering, the new owner may request and receive a refund of the deposit.

(b) Any deposit not claimed by the new owner within thirty (30) days of the date within which the spaying or neutering is to occur may be used by the agency holding the deposit to conduct programs to spay or neuter dogs and cats or to conduct educational programs in support of the spaying and neutering of dogs and cats.

SECTION 9. (a) Failure by the new owner to comply with the requirements of this act is a Class C misdemeanor.

(b) If the new owner fails to comply with the requirements of this act, the agency may petition a court of competent jurisdiction for an order requiring the new owner to take any steps necessary to comply with the requirements of this charge, including ordering the owner to forfeit the animal back to the agency from which it was adopted, and a court may issue such an order.

SECTION 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 11. This act shall take effect July 1, 1998, the public welfare requiring it.